BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: Bulk Item:	May 16, 2006 Yes No	Division: Commissioner George Neugent Staff Contact Person: Natileene Cassel		
use developme	ent to be placed at	Approval of a resolution in opposition to a large at the entrance of the Florida Keys and to contribute in furtherance of their efforts to stop the developme	\$25,000.00 to	
of Regional Im approximately Miami-Dade C commercial sp ten year period Appro supply, ecolog permit extension	at the junction of county, with plans ace, 60 acres of p l. val of this project y, development a on from the Army	fuly 2005, Atlantic Civil, Inc. ("ACI") applied for a nit to develop 1,465 acres of a 3,187 acre tract locate of Card Sound Road, U.S. 1 and the Florida Turnpik as to build 6,000 residential housing units, 300,000 sparks, schools, office space, a theatre and a 240-root stands to impact adversely on hurricane evacuation and infrastructure throughout the Florida Keys. ACI by Corps of Engineers to allow it to continue to fill with the specific property of the specific p	ed e in south square feet of m hotel over a m, water d obtained a vetlands on the	
Commissioner development, p Florida Region development re negatively imp detrimental eff On Jur the Dade Coun City and expar Florida Keys.	s approved a Res proposed by Atlan all Planning Counteriew process and eact the health, sa fect on the environment 15, 2005 the B aty Commission and assion of the Urban The Board of Counteries and the Counteries and the Urban opposition to the	OCC ACTION: On April 21, 2004 the Board of Cosolution expressing concerns about a large-scale minute Civil Inc., and directing County representatives and and Staff to communicate the County's concerned oppose any element or phase of the development and oppose any element or phase of the development affety, and welfare of Monroe County Citizens or with the communicate the County County Commissioners held a discussion of actions regarding the proposed annexation of proper an Development Boundary and the impact this would unty Commissioners has also discussed the possibile development by contributing \$25,000.00 to the efficiency of the Board.	xed use s to the South ns in the that will ll have a of the actions of rty by Florida d have on the ity of	
CONTRACT	AGREEMENT	CHANGES: None		
STAFF RECOMMENDATIONS: Approval				
REVENUE P	DUNTY:\$25,000. RODUCING: Y	ESNO _X AMOUNT PER MONTH	YEAR	
APPROVED	BY: County	y Atty_X OMB/PurchasingRisk Manag	gement	
DIVISION DIRECTOR APPROVAL:				
DOCUMENT	ATION:	Included X Not Required	igent	

DISPOSITION:

COMMISSIONER GEORGE NEUGENT

RESOLUTION NO. _____- 2006

A RESOLUTION OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS EXPRESSING CONCERN AND OPPOSITION TO THE LARGE SCALE MIXED USE DEVELOPMENT, PROPOSED BY ATLANTIC CIVIL INC., AND CONTRIBUTING FUNDS TO THE TROPICAL AUDUBON SOCIETY INC., FOR ASSISTANCE IN THEIR OPPOSITION TO THIS PROJECT

WHEREAS, in July 2005, Atlantic Civil Inc. ("ACI") applied for a Development of Regional Impact (DRI) permit to develop 1,465 acres of a 3,187 acre tract located approximately at the junction of Card Sound Road, U.S. 1 and the Florida Turnpike in south Miami-Dade County, with plans to build 6,000 residential housing units, 300,000 square feet of commercial space, 60 acres of parks, schools, office space, a theatre and a 240-room hotel over a ten year period; and

WHEREAS, ACI has systematically been clearing the land and filling the wetlands in the area based on a permit they received from the Army Corp of Engineers; and

WHEREAS, the Tropical Audubon Society Inc., a Florida non-profit corporation, and the National Parks and Conservation Association, a foreign non-profit organization located in Washington, D.C., have filed litigation in opposition to the permit granted to ACI by the Army Corp of Engineers which litigation, if successful, will stop the development and maintain the property as farm land; and

WHEREAS, continuation of this project will severely burden hurricane evacuation throughout the Florida Keys by the addition of a large number of people residing and working in the area, and the proposed development will utilize SW 360th Street as the project's main exit point which is located at the critical junction of Highway 1 and Card Sound Road, the route used as the only exit for citizens and visitors of the Florida Keys; and

WHEREAS, future development of the Florida Keys is directly related to the time necessary for mandatory evacuation of residents and visitors; and

WHEREAS, the proposed development will establish an increased permanent and transient population at the entrance to the Florida Keys with the inevitable increase in the number of "day-trippers and weekenders," overwhelming the roads, other infrastructure and services of the Keys; and

WHEREAS, approval of this project stands to impact adversely the environment in the Florida Keys as storm water run off from such a development could lead to increased pollution into the Florida Bay and the Everglades; and

WHEREAS, on April 21, 2004, the Board of County Commissioners passed a resolution to oppose, and directed its staff to oppose, any element or phase of the proposed development that is shown to have deleterious and negative impact, either directly or indirectly, on the health, safety, and welfare of its residents and on the environment and tourism economic base of the Florida Keys; and

WHEREAS, the litigation brought by the Tropical Audubon Society Inc., and the National Parks and Conservation Association has reached an important point and a Motion for Summary Judgment is set for hearing on June16, 2006, funding at this time would provide critical support in opposition the ACI development;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Finding of Fact:

- 1. The proposed development by ACI may have significant negative impact on the Florida Keys in terms of Hurricane Evacuation, loading of traffic, infrastructure, water supply and water quality in the waters adjacent to and surrounding the Florida Keys.
- 2. The proposed development by ACI will encourage and induce additional urban sprawl in south Miami-Dade in an area adjacent to the only land entrance to the Florida Keys.
- 3. The continued clearing and filling of the land at the proposed development site is ongoing under a permit issued to ACI by the Army Corp of Engineers is a significant step toward installation of the project.
- 4. Opposition to the development is presently being litigated by the Tropical Audubon Society Inc., and the National Parks and Conservation Association in the United State District Court, Southern District of Florid, Case Number 06-20256-CIV-Cooke/Brown, and the litigation is at a critical stage.

5. It is in the best interest of Monroe County to support the efforts of those in opposition to the development and to monitor the progress of the project.

ACTIONS AUTHORIZED:

- 1. The Board of County Commissioners hereby authorizes an amount of Twenty-Five Thousand Dollars (\$25,000.00) to be paid to the Tropical Audubon Society Inc., upon the specific condition that this money be used for, and only for, opposition to the proposed Project to develop 1,465 acres of a 3,187 acre tract located approximately at the junction of Card Sound Road, U.S. 1 and the Florida Turnpike in south Miami-Dade County.
- 2. Conditions of the contribution are that: Tropical Audubon Society shall submit documentation acceptable to the Clerk of Court for Monroe County which demonstrates that it complies with generally accepted fund accounting principles, and shall submit verifiable documentation which demonstrates that the contribution is used solely for purposes for which it has been designated by the Board of County Commissioners, and that if the Clerk determines that the funds have not been used as the Board of County Commissioners has directed that the Tropical Audubon Society shall return the funds wrongfully distributed to the Clerk of the Court with interest calculated pursuant to Sec. 55.03(1) FS.
- 3. The Division Director of Growth Management shall determine that Tropical Audubon Society will comply with the above conditions and shall confirm their approval in writing, shall determine that the prerequisites have been met, and shall provide the necessary information to the Clerk to issue a check to the appropriate representative of the Tropical Audubon Society.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said board held on the 19th day of April, 2006

Mayor Charles "Sonny" Commissioner George I	
Commissioner David P.	. Rice
Commissioner Dixie Sp	ehar
(Seal)	
Attest:DANNY L. KOLHAGE, Clerk	BOARD OF COUNTY
	COMMISSIONERS OF
By:	MONROE COUNTY, FLORIDA
DEPUTY CLERK	
ONROE COUNTY ATTORNEY	BY:
APPROVED AS TO FORM	Mayor Charles "Sonny" McCoy
ableene Wessel	
NATILEENE W. CASSEL	
SSISTANT COUNTY ATTORNEY	3

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 21,2004	Division: Growth Management				
Bulk Item: Yes No _X	Department: N/A				
AGENDA ITEM WORDING: A Resolution expressing the concerns of the BOCC about a proposed large scale mixed-used development, referred to as the Florida City Development of Regional Impact (DRI), and directing County representatives to the South Florida Regional Planning Council and staff to communicate the County's concerns in the development review process and oppose any element or phase of the development that will negatively impact the health, safety, and welfare of Monroe County citizens or will have a detrimental effect on the environment and economic base of Monroe County.					
ITEM BACKGROUND: At the March 17, 2004, BOCC meeting, the staff briefed the Board on a large scale mixed-use project of 1,465 acres proposed for South Miami-Dade County north of Card Sound Road and east of U.S. Highway 1. The proposed development would consist of 6,000 dwelling units, 300,000 square feet of retail, 90,000 square feet of office, an 1,800 seat theater, 240 hotel rooms, two schools, and 60 acres of parks. The BOCC directed the staff to prepare a resolution expressing the County's concerns about the adverse impacts of the proposed development in nearby Florida City, particularly on hurricane evacuation, potable water supply, the Everglades and Florida Bay ecosystem, and on the County's infrastructure and services from increased numbers of day and weekend trippers.					
Prior to preparing this resolution for the Board's consideration, the staff met with the consultants, who are preparing application for the DRI. The process to approve the DRI and associated amendments to the Miami-Dade comprehensive plan will take approximately a year and include several opportunities for the County to make its concerns known to the South Florida Regional Planning Commission and the Miami-Dade County Commission. The DRI application is anticipated to be completed by later this April. At its meeting with the DRI's consultants, the staff identified the concerns raised about the DRI project in the proposed resolution that needs to be examined as part of the project impact assessment and any comprehensive plan amendments.					
PREVIOUS RELEVANT BOCC ACTION: On March 17, 2004, BOCC indicated its concerns about impacts of the proposed project on Monroe County and directed its staff to prepare a resolution formalizing these concerns.					
CONTRACT/AGREEMENT CHANGES: N/A					
STAFF RECOMMENDATIONS: Approval					
TOTAL COST: N/A	BUDGETED: Yes No				
COST TO COUNTY: N/A	SOURCE OF FUNDS:				
REVENUE PRODUCING: Yes N/A No	AMOUNT PER MONTH Year				
APPROVED BY: County Atty X OMB/Put DIVISION DIRECTOR APPROVAL: DOCUMENTATION: Included X To Following	Timothy J. McGary, AICP				
DISPOSITION:	AGENDA ITEM#				
Pavicad 1/02					

RESOLUTION NO. - 2004

A RESOLUTION OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS EXPRESSING CONCERNS ABOUT A LARGE-SCALE MIXED USE DEVELOPMENT, PROPOSED BY ATLANTIC CIVIL, INC., REFERRED TO AS THE FLORIDA CITY DEVELOPMENT OF REGIONAL DIRECTING COUNTY (DRI). AND IMPACT PRESENTATIVES TO THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL AND STAFF TO COMMUNICATE THE COUNTY'S CONCERNS IN THE DEVELOPMENT REVIEW PROCESS AND OPPOSE ANY ELEMENT OR DEVELOPMENT THAT OF THE PHASE NEGATIVELY IMPACT THE HEALTH, SAFETY AND WELFARE OF MONROE COUNTY CITIZENS OR WILL EFFECT ON DETRIMENTAL ENVIRONMENT AND ECONOMIC BASE OF MONROE COUNTY. .

WHEREAS, Atlantic Civil, Inc. proposes to develop 1,465 acres of a 3,187 acre tract located approximately at the junction of Card Sound Road, U.S. 1 and the Florida's Turnpike in south Miami-Dade County, hereinafter called the "Florida City DRI"; and,

WHEREAS, the proposed Florida City DRI development consists of 6,000 dwelling units, 300,000 square feet of retail, 90,000 square feet of office, an 1,800 seat theater, 240 hotel rooms, a Kindergarten to 8th grade school, a high school, and 60 acres of parks to be developed over a ten-year period; and,

WHEREAS, the proposed development requires approval as a Development of Regional Impact under Chapter 380, Florida Statutes; and,

WHEREAS, the subject parcel requires amendments of the Miami-Dade County Comprehensive Development Master Plan Future Land Use Map (FLUM) and, the 2005 Urban Development Boundary (UDB), as it is located outside the 2005 Urban Development Boundary; and.

WHEREAS, a significant amount of vacant, developable land already exists with existing or programmed infrastructure and public services within the existing UDB north of the subject development to easily accommodate the demand for tens of thousands of new dwellings and large scale commercial, office, and other non-residential development in South Miami-Dade without having to expand the existing UDB further towards the Florida Keys and environmentally sensitive lands; and,

WHEREAS, an expansion of the UDB will only further encourage urban sprawl and leap-frog development, and the additional loss of valuable, irreplaceable agriculture lands and open space in Southwest Miami-Dade County; and,

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WHEREAS, the expansion of the 2005 Urban Development Boundary will lead to further requests to expand the Urban Development Boundary (UDB) in Southwest Miami-Dade County to the further detriment of Monroe County and the fragile Everglades, Florida Bay, Biscayne Bay, and Florida Keys ecosystem; and,

WHEREAS, the proposed development, which is all located within the 100-year flood plain, has potential adverse impacts for the full implementation of the Everglades Restoration Plan as it may well change the existing flood water holding capacity of the area, and the historic drainage and flow patterns of surface water to the Everglades, Florida Bay, and Biscayne Bay; and,

WHEREAS, stormwater from such development could lead to increased stormwater pollution loading into Florida Bay and the Everglades, further degrading the quality of water surrounding the Florida Keys which is vital for sustaining the commercial fishing and tourism economy of the Florida Keys; and,

WHEREAS, the proposed development is in a location approximate to the Florida Keys Aqueduct Authority's well fields that provide Monroe County with its primary source of drinking water and may have potential detrimental impacts on the yield capacity of this well system, which is already severely constrained; and,

WHEREAS, the proposed development will place increased permanent and transient population within easy access to Monroe County that will further add to the number of "weekend and day-trippers" to the Florida Keys further overwhelming the capacity of the County's infrastructure and services; and,

WHEREAS, the project is located within an area recommended in the Miami-Dade Hurricane Evacuation Plan for evacuation during a Category 2 or greater hurricane; and,

WHEREAS, the proposed development will utilize SW 360th St. to create a main exit point at the critical junction of Highway 1 and Card Sound Rd, which is the sole hurricane evacuation route from the Florida Keys; and,

WHEREAS, the loading of additional evacuation traffic from this proposed development at this critical road junction may detrimentally place the safety of the persons living and visiting the Florida Keys at much greater risk by increasing hurricane evacuation times and the possibility of life-threatening traffic jams during evacuation; and

WHEREAS, future development in the Florida Keys is directly tied to the time necessary to evacuate the Florida Keys, as evacuation is mandatory for residents and visitors for any Category 3 or greater hurricane; and,

WHEREAS, under the current Hurricane Evacuation Model, the Florida Keys are already over the 24 hour standard that is required by the State of Florida and the County's Year 2010 Comprehensive Plan; and,

WHEREAS, increasing the evacuation times for the Florida Keys resulting from the impacts of this development may even further limit the development of the Florida Keys in a

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manner that detrimentally impacts the Florida Keys economy and the capabilities of the County and its municipal governments to acquire environmentally sensitive lands, provide needed work force housing, and generate sufficient revenues to fund wastewater improvements to meet the stringent 2010 wastewater treatment standards mandated by the State; and,

WHEREAS, the Monroe County Board of Commissioners is further concerned that such an adverse impact may jeopardize the ability of the County to fully meet the commitments of the partnership that the County recently entered into with the State of Florida to revise Rule 28.20, Florida Administrative Code governing the Florida Keys Areas of State Critical Concern;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1: The intensity and location of development proposed under the Florida City DRI may have significant adverse primary impacts on the Florida Keys in terms of hurricane evacuation, potable water supply, the Everglades Restoration Program, and Florida Bay and Biscayne Bay water quality. Potential secondary adverse impacts on the County resulting from the development will be an increase in the numbers of day and weekend trippers to primarily the Upper and Middle Keys further overwhelming the already constrained capacity of the County's infrastructure and services.

Section 2: The project will only further encourage and induce additional urban sprawl in South Miami-Dade by expanding the Urban Development Boundaries eventually leading to the elimination of the last acres of open space and agricultural lands remaining in South Miami Dade County and placing even further unnecessary strains on the viability of the Everglades and Florida Bay ecosystem.

Section 3: If approved as proposed, the project and similar large-scale developments already occurring unimpeded in South Miami-Dade County may well threaten the County's long-term ability for sustainable development in terms of providing economic and housing opportunities for residents without compromising the biodiversity of the natural environment and continued ability of the natural and man-made systems to sustain livable communities in the Florida Keys for future generations. In the short-term it threatens to limit the County's ability to follow through on commitments made to the Governor and Cabinet and Florida Department of Community Affairs to address wastewater, affordable housing, and acquisition of significant upland habitat issues.

Section 4: The County's representatives to the South Florida Regional Council are directed to represent the County's concerns before that body concerning the proposed Florida City DRI and before other state and local governing and advisory bodies as appropriate. With the assistance of County staff, the representatives are also directed to report back to the Board with status reports and recommendations on any further Board action on this proposed development.

Section 5: The County Administrator is directed to instruct staff to continue to monitor the DRI review and approval process for this project, including reviewing and providing input on the final DRI application and supporting amendments to the Miami-Dade County Comprehensive Development Master Plan Future Land Use Map and 2005 Urban Development Boundary; and prepare recommendations, as appropriate, for the Board's consideration to be submitted to the

State of Florida, South Florida Regional Planning Council, Miami-Dade County, or other appropriate governing or advisory body.

Section 6: Monroe County will oppose, and direct its staff to oppose, any element or phase of the proposed development that it is shown to have a deleterious and negative impact, either directly or indirectly, on the health, safety, and welfare of its residents and on the environment and tourism economic base of the Florida Keys.

Section 7: The County Administrator is requested to send an executed copy of this resolution to the Florida Department of Community Affairs, South Florida Regional Planning Council, and Miami-Dade County Commission requesting that the County's concerns and issues identified by this resolution be fully addressed by the applicant in its project assessment for the DRI and application for amendments to the Miami-Dade County Comprehensive Development Master Plan Future Land Use Map and 2005 Urban Development Boundary.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 21st day of April, 2004.

Mayor Pro To Commission Commission	orray E. Nelson Tem David P. Rice Oner George Neugent Oner Dixie Spehar Oner Charles "Sonny" McCoy	
SEAL) Attest: DANNY L.KOLHAGE, Clerk	BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA	
Deputy Clerk	ByMayor/Chairperson	

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

ROBERT N. WOLFE
CHIEF ASSISTANT COUNTY ATTORNEY
Date

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: June 15, 2005	Division: County Administrator
Bulk Item: Yes No _x	Department: County Administrator
	Staff Contact Person: <u>Debbie Frederick</u>
AGENDA ITEM WORDING: Discussion the proposed annexation of property by Florida (Boundary (UDB).	of recent Dade County Commission actions regarding City and expansion of the Urban Development
No. 107-2005, calling on Miami-Dade Board of Urban Development Boundary, to encourage infi	ting of March 16, 2005, the Board adopted Resolution County Commissioner to oppose any extension to the Ill development and adherence to the Miami-Dade dopted, including the Adopted 2003 Evaluation and
PREVIOUS RELEVANT BOCC ACTION: 5	Same as above.
CONTRACT/AGREEMENT CHANGES:	
STAFF RECOMMENDATIONS:	
TOTAL COST:	BUDGETED: Yes No
COST TO COUNTY:	SOURCE OF FUNDS:
REVENUE PRODUCING: Yes No	AMOUNT PER MONTH Year
APPROVED BY: County Atty OMB/	Purchasing Risk Management
DIVISION DIRECTOR APPROVAL:	Thomas J. Willi (TYPE NAME HERE)
DOCUMENTATION: Included	Not Required X
DISPOSITION:	AGENDA ITEM #

Revised 2/05

From: McGarry-Tim

Sent: Friday, June 10, 2005 4:40 PM

To: BOCCDIS1; BOCCDIS2; BOCCDIS3; BOCCDIS4; BOCCDIS5

Cc: Collins-John; Frederick-Debbie; Willi-Tom

Subject: Update on Miami-Dade County Commission Action on Florida City Annexation

Commissioners.

As you are probably all aware by now, the Miami-Dade Commission voted 7-5 to approve the annexation boundary request of Florida City on Tuesday, June 7. This annexation request was approved despite recommendation of denial by the Miami-Dade County staff, which identified problems with possible expansion of growth into this currently mostly undeveloped portion of Miami-Dade County.

The County staff report cited that expansion of utilities and municipal services to this area and its subsequent development would be inconsistent with the County's Comprehensive Development Master Plan. Furthermore, until the South Miami-Dade Watershed Study and other related studies were completed, it would be premature to make any decisions affecting future development in that area of the County.

Florida City claimed that it would not change the current zoning of the property (1 unit per 5 acres) and that it needed the additional acreage to expand its tax base and possibly preempt the City of Homestead from annexing the area in the future.

Approximately 40 minutes was provided to each side (pro and con) to present their arguments. The con side had 35 speakers, including a representative each from Monroe County, City of Marathon, and Village of Islamorada, who voiced concerns or spoke against the annexation.

Miami-Dade Mayor Alvarez has indicated that he may veto the action of the Commission. He has 10 days to do so. As it requires 9 votes to override the veto, it is unlikely that a veto would be overridden based on the initial vote. The staff has asked Miami-Dade staff about whether or not another public hearing would be necessary for the County Commission to consider overriding the veto should the Mayor take such action; we have not yet received an answer to this question.

As of this date, the application for Development of Regional Impact for the Florida City project has not been submitted to the South Florida Regional Planning Council. It is anticipated that the application for expansion of the Urban Development Boundary will be submitted at a future date by Florida City, if the annexation is approved. To be approved, the Florida City DRI would require expansion of the Urban Development Boundary.

The Board of County Commissioners may want to discuss the County's continued response to the annexation, DRI, and UDB boundary issues at its June 15, 2005, meeting. As local municipalities in the County are also very concerned about the potential impacts of these issues on the Florida Keys, it may be the opportune time for the Board to discuss the desirability of coordinating our efforts with these municipalities to form a collective response. I would be happy to bring this item up for discussion during my Growth Management report unless a Commissioner or the County Administrator would like to separately agenda the item.

Should you have any questions or need further information, please don't hesitate to contact me.

Tim McGarry